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Chapter Trans 201

CONTROL OF OUTDOOR ADVERTISING ALONG AND VISIBLE FROM HIGHWAYS ON THE INTERSTATE AND FEDERAL-AID PRIMARY SYSTEMS

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Trans 201.01 General. Pursuant to authority contained in ss. 84.106, 84.30 and 86.19, Stats., the department of transportation adopts the following rules to apply to signs along and visible from the controlled highways in Wisconsin. Section 84.30, Stats., and these rules apply to the interstate system, federal aid primary or national highway system, and the Great River Road established under 23 USC 148, which are referred to herein as “controlled highways.” These rules are so closely associated with the Wisconsin Statutes, and make such extensive reference to s. 84.30, Stats., that it is essential to refer to both these rules and the law in order to apply the controls. This chapter shall be interpreted consistently with the requirements of the 23 USC 131 federal regulations related to outdoor advertising control at 23 CFR Part 750, the agreements between the state of Wisconsin and the U.S. federal highway administration dated June 9, 1961 and March 28, 1972, and with regulations and policies of the U.S. department of transportation implementing a national scenic byways program under 23 USC 162.

Note: The 1961 Agreement involved application of the Federal Bonus Act (part of the Federal Aid Highway Act of 1958), P.L. 85-381; the 1972 Agreement involves application of the Federal Highway Beautification Act of 1965, P.L. 89-285.

History: Cr. Register, September, 1972, No. 201, eff. 10-1-72; am. Register, October, 1976, No. 250, eff. 11-1-76; am. Register, May, 1977, No. 257, eff. 6-1-77; renum. from Hy 19.001 and am., Register, July, 1980, No. 295, eff. 8-1-80; am. Register, April, 2001, No. 544, eff. 5-1-01; **CR 04-057; am. Register February 2005 No. 590, eff. 3-1-05.**

Trans 201.02 Definitions. The words and phrases defined in s. 84.30 (2), Stats., have the same meaning in this chapter unless a different definition is specifically provided. In this chapter:

(1) “Back-to-back”, “side-by-side”, “bottom-on-top” and “V-shaped” signs means signs which are physically contiguous and which share a common structure, in whole or in part, or are located not more than 15 feet apart at their nearest point in cases of “back-to-back” or “V-shaped” signs.

(2) “Department” means the department of transportation.

(3) A sign shall be presumed to be designed, erected or intended to be read from the main-traveled way if an advertising message on the sign is readable from the main-traveled way by a person having normal visual acuity traveling at the speed limit.

(4) “Grandfathered sign” means a sign that lawfully existed in a business area on March 18, 1972, and that does not conform to the size, spacing or lighting restrictions of s. 84.30 (4), Stats.

(5) “Illegal sign” means a sign erected after March 18, 1972, without a permit, a sign that is erected or maintained in a manner that violates any requirement of a permit, this chapter, or s. 84.30, Stats., a non-conforming sign that has lost its noncon-

forming status, or a grandfathered sign that has lost its grandfathered status.

(6) “License” means a license to engage in the business of outdoor advertising.

(7) “Nonconforming sign” means any of the following:

(a) A sign that lawfully existed on March 18, 1972, outside of a business area.

(b) A sign that was lawfully erected after March 18, 1972, that subsequently did or does not conform to the requirements of s. 84.30, Stats., or this chapter.

(8) “Off-premises” or “off-property sign” means a sign that is not an on-premises sign.

(9) “On-premises” or “on-property sign” means a sign at a business location advertising a business that is conducted on the property and that is located in the immediate vicinity of the business. “Immediate vicinity” in this subsection means the sign is within the area bounded by the buildings, driveways and parking areas in which the activity is conducted or within 50 feet of that area. “Immediate vicinity” does not include any area across a street or road from the area where the business is conducted or any area developed for the purpose of erecting a sign.

(10) “Permit” means a permit issued by the department to erect or maintain a sign at a defined location under a specific paragraph of s. 84.30 (3), Stats.

(11) “Primary highway” means any highway, other than an interstate highway, at any time officially designated as a part of the federal-aid primary system or national highway system by the department and approved by the appropriate authority of the federal government.

Note: See 23 USC 131 (t). The DOT Bureau of Planning, P. O. Box 7913, Madison, WI 53717 maintains a list of highways that are primary highways as defined herein. Information regarding which highways are primary highways under this section may also be obtained from the sign permit coordinator in any DOT district office.

(12) “Visible” means the sign, or any part of the sign structure, can be seen from the main-traveled way of a highway by a person of normal visual acuity, regardless of whether the sign is designed, erected or intended to be read from the main-traveled way.

(13) “Zoned” includes the establishment of districts without restrictions on use.

History: Cr. Register, October, 1976, No. 250, eff. 11-1-76; renum. from Hy 19.005 and am. (2), Register, July, 1980, No. 295, eff. 8-1-80; renum. (4) to be (13), cr. (intro.) and (4) to (12), Register, April, 2001, No. 544, eff. 5-1-01.

Trans 201.03 Licensing. The licensing requirement under s. 84.30 (10), Stats., applies to persons who erect or maintain on-property signs as well as to persons who erect or main-

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tain off-premises advertising signs. Persons who erect or maintain signs for the purpose of advertising their own business are not subject to the licensing requirement. The licensing requirement does not apply to persons who erect 2 or less signs during the calendar year. Any person who violates the licensing requirement shall be required to forfeit not less than \$500 nor more than \$1000. Violations shall be referred to the proper district attorney for prosecution.

History: Cr. Register, October, 1976, No. 250, eff. 11-1-76; renum. from Hy 19.006 and am., Register, July, 1980, No. 295, eff. 8-1-80.

Trans 201.035 Annual sign fees. (1) SIGN IDENTIFIER.

The department shall assign a unique identifier to each off-property sign in the state of Wisconsin. The identifier shall be assigned to a sign upon any of the following occurrences:

- (a) Approval of a permit to erect the sign.
- (b) First payment of an annual fee for a sign erected before May 1, 2001.

- (c) Addition of the sign to the sign database of signs maintained by the department.

(2) DATABASE OF SIGN OWNERS. The department shall maintain a sign database to track the name and address of the owner of each sign, and such other information related to the sign as the department considers appropriate.

Note: The department shall use the address of record in this database for correspondence with a sign owner.

(3) CHANGE OF SIGN OWNERSHIP. Any person who acquires a sign shall provide the department with a notice containing all of the following information for the sign:

- (a) The unique identifier assigned to the sign by the department.
- (b) The name, address and telephone number of the person from whom the sign was acquired and the name of the person acquiring the sign.
- (c) The location of the sign, listing the name of the primary or interstate highway to which it is adjacent, the county and town in which the sign stands, the section number of the township in which the sign is located, the name, address and telephone number of the person owning the real property upon which the sign is located, and the distance of the sign from the centerline of the nearest crossroad or intersection.

- (d) The size of the sign measured in accordance with s. 84.30 (4) (a) 2., Stats. If the sign shape is not rectangular, a drawing showing the dimensions of the various triangles, circles, rectangles, and squares encompassing the entire sign shall be provided.

- (e) The height above ground level of the bottom edge of the sign face or any border or trim to the sign face.

(4) ANNUAL FEE NOTICE. The department shall mail an annual fee notice to the owner of record with the department of every off-premises sign within the state of Wisconsin that is subject to the requirement of paying a fee under sub. (9). All annual fee notices shall be considered delivered upon mailing to the owner of record indicated in the department's database of sign owners as of the first day of the month in which the notices are mailed. Annual fee notices may include a summary of information related to one or more signs and require owners to update or correct information at the time of paying any required fee. The department may require owners of signs not subject to the fee requirement of sub. (9) to update or correct information from a summary of information with respect to any sign.

(5) DUE DATE. Payment of annual permit fees and responses to information requests are due 60 days from the date of mailing of notices by the department, or on such other date as indicated in the fee notice.

(6) NONCONFORMING SIGNS. Nonconforming signs for which the annual fee is not paid within 60 days of the due date shall be removed as abandoned signs. Payment of an annual fee

may not be considered in determining whether a sign is subject to removal under the federal highway beautification act, the regulations promulgated thereunder, or s. Trans 201.10.

Note: See s. 84.30 (10m), Stats.

(7) PERMITTED SIGNS. The permit for a sign shall expire upon the due date for payment unless the annual fee for the sign has been paid. Signs with expired permits are subject to removal 60 days from the due date specified in the notice. The department shall notify a sign owner that a sign is subject to removal under this section in accordance with s. 84.30 (11), Stats. The department may not issue a permit within any minimum required spacing limitations under ss. 84.30 (4) (c), Stats., s. Trans 201.05 (2) (d) or 201.06, of a sign with an expired permit until and unless that sign is removed.

(8) REFUNDS. Permit fees are non-refundable and may not be prorated.

(9) FEE SCHEDULE. Permit fees shall be assessed as follows:

- (a) Except as provided in par. (b), no annual fee may be assessed for any of the following:
 1. On-premises signs.
 2. Official signs and notices as defined in s. Trans 201.05 (1) (d).
 3. Public utility signs as defined in s. Trans 201.05 (1) (e).
 4. Public service signs as defined in s. Trans 201.05 (1) (g).
 5. Political signs as defined in s. Trans 201.16 (1), if exempt from permit requirements under s. Trans 201.16 (2).
 6. Real estate signs as defined in s. Trans 201.17 (1) if exempt from permit requirements under s. Trans 201.17 (3).
 7. Farm signs as defined in s. Trans 201.18 (1) (b) if exempt from permit requirements under s. Trans 201.18 (2).
 8. Agricultural test plot signs as defined in s. Trans 201.18 (1) (a) if exempt from permit requirements under s. Trans 201.18 (3).
 9. Signs of 8 square feet or less in area.

Note: Service club and religious notices are limited to 8 square feet or less by s. Trans 201.05 (1) (f).

(b) Nonconforming, grandfathered and directional signs as defined in s. Trans 201.05 (1) (c), shall be assessed an annual fee of \$50 per sign.

(c) Except as provided in pars. (a) and (b), all off-property signs shall be assessed an annual fee of \$35 per sign.

(10) APPEAL OF ANNUAL ASSESSMENT FEE. (a) Any person may appeal the assessment of an annual fee under sub. (9) by mailing a notice of appeal to the address provided on the notice of fee assessment within 15 days of the date the assessment is mailed.

(b) A notice of appeal shall particularly state all of the following:

1. The error or mistake alleged by appellant in the fee calculation made by the department.
2. Whether appellant contends the sign is an on-premises sign, official sign or notice, religious notice, service club notice, public utility sign, public service sign, farm sign, agricultural test plot sign, real estate sign, directional sign, nonconforming sign, grandfathered sign or other category of sign.
3. The exact size of the sign, measured in accordance with sub. (3) (d).

(c) Payment in the amount of the annual fee assessed by the department shall be included with a notice of appeal. The department shall hold the payment in trust pending the outcome of the appeal.

(d) Upon receipt of a notice of appeal with the required fee, the department shall investigate the matter and, if appropriate, amend the annual fee assessment for the sign and return any balance due appellant from the fees deposited under par. (c) or impose any additional assessment required.

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(e) Appeals of decisions issued under par. (d) may be made to the department of administration, division of hearings and appeals within 15 days of the date the decision is mailed to the appellant.

History: Cr. Register, April, 2001, No. 544, eff. 5-1-01.

Trans 201.04 Clear vision areas. Requirements for the preservation of unobstructed driver vision are established by ss. 86.191 and 84.30 (4) (b), Stats., and by these rules. No sign shall exist or remain in nonconformance with those requirements.

History: Cr. Register, September, 1972, No. 201, eff. 10-1-72; renum. from Hy 19.02 and am., Register, July, 1980, No. 295, eff. 8-1-80.

Trans 201.05 Directional and official signs. The following standards apply to directional and official signs and notices which are visible from the main-traveled way of a controlled highway. These standards do not apply to directional and official signs erected on the highway right-of-way.

(1) **DEFINITIONS.** (a) "Scenic area" means any area of particular scenic beauty or historical significance as determined by the federal, state, or local officials having jurisdiction thereof, and includes interests in land which have been acquired for the restoration, preservation, and enhancement of scenic beauty.

(b) "Parkland" means any publicly owned land which is designated or used as a public park, recreation area, wildlife or waterfowl refuge or historic site.

(c) "Directional and other official signs and notices" includes only official signs and notices, public utility signs, service club and religious notices, public service signs, and directional signs.

(d) "Official signs and notices" means signs and notices erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state, or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local government agencies or nonprofit historical societies may be considered official signs.

(e) "Public utility signs" means warning signs, informational signs, notices, or markers which are customarily erected and maintained by publicly or privately owned public utilities, as essential to their operations.

(f) "Service club and religious notices" means signs and notices, whose erection is authorized by law, relating to meetings of nonprofit service clubs or charitable associations, or religious services, which signs do not exceed 8 square feet in area.

(g) "Public service signs" means signs located on school bus stop shelters, which signs:

1. Identify the donor, sponsor, or contributor of said shelters;
2. Contain public service messages, which shall occupy not less than 50% of the area of the signs;
3. Contain no other message;
4. Are located on school bus shelters which are authorized or approved by city, county, or state law, regulation, or ordinance, and at places approved by the city, county, or state agency controlling the highway involved; and
5. May not exceed 32 square feet in area. Not more than one sign on each shelter shall face in any one direction.

(h) "Directional signs" means signs containing directional information about public places owned or operated by federal, state, or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.

(2) CRITERIA FOR DIRECTIONAL AND OTHER OFFICIAL SIGNS.

(a) **Prohibited signs.** 1. Signs advertising activities that are illegal under federal or state laws or regulations in effect at the location of those signs or at the location of those activities.

2. Signs located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic.

3. Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.

4. Obsolete signs.

5. Signs which are structurally unsafe or in disrepair.

6. Signs which move or have any animated or moving parts.

7. Signs located in rest areas, parklands or scenic areas.

(b) **Size.** No sign shall exceed the following limits:

1. Maximum area—150 square feet.

2. Maximum height—20 feet.

3. Maximum length—20 feet. All dimensions include border and trim, but exclude supports.

(c) **Lighting.** Signs may be illuminated, subject to the following:

1. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited.

2. Signs which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of a controlled highway or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.

3. No sign may be so illuminated as to interfere with the effectiveness of or obscure an official traffic sign, device, or signal.

(d) **Spacing.** 1. Each location of a directional sign must be approved by the department.

2. No directional sign may be located within 2,000 feet of an interchange or intersection at grade along the interstate system or other freeways (measured along the interstate or freeway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way).

3. No directional sign may be located within 2,000 feet of a rest area, parkland, or scenic area.

4. a. No 2 directional signs facing the same direction of travel shall be spaced less than 1 mile apart;

b. Not more than 3 directional signs pertaining to the same activity and facing the same direction of travel may be erected along a single route approaching the activity;

c. Signs located adjacent to the interstate system shall be within 75 air miles of the activity; and

d. Signs located adjacent to the primary system or Great River Road shall be within 50 air miles of the activity.

(e) **Message content.** The message on directional signs shall be limited to the identification of the attraction or activity and directional information useful to the traveler in locating the attraction, such as mileage, route numbers, or exit numbers. Descriptive words or phrases, and pictorial or photographic representations of the activity or its environs are prohibited.

(f) **Selection methods and criteria.** 1. Privately owned activities or attractions eligible for directional signing are limited to the following: natural phenomena; scenic attractions; historic, educational, cultural, scientific, and religious sites; and outdoor recreational areas.

2. To be eligible, privately owned attractions or activities must be nationally or regionally known, and of outstanding interest to the traveling public.

History: Cr. Register, September, 1972, No. 201, eff. 10-1-72; am. intro. and (1) (g) 2., Register, October, 1976, No. 250, eff. 11-1-76; am. (intro.), (2) (c) 2. and

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(d) 4., Register, May, 1977, No. 257, eff. 6-1-77; renum. from Hy 19.03 and am. intro. and (2) (d) 1., Register, July, 1980, No. 295, eff. 8-1-80; correction in (2) (b) made under s. 13.93 (2m) (b) 1., Stats., Register, April, 2001, No. 544.

Trans 201.06 Sign criteria. (1) Signs visible from the main-traveled way of a controlled highway shall conform to the requirements of s. 84.30 (4), Stats., and to these rules. On non-freeway federal-aid primary highways outside of cities and villages, no sign may be adjacent to or within 300 feet of an interchange, intersection at grade, safety rest area, or wayside. Said 300 feet shall be measured along the highway from the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way of the primary highway.

(2) In addition to the spacing criteria of s. 84.30 (4) (c), Stats., s. Trans 201.05 (2) (d), and sub. (1), a permit may not be issued for an otherwise eligible sign location if the erection of a sign at that location would obstruct motorists' view of another lawfully erected sign.

History: Cr. Register, September, 1972, No. 201, eff. 10-1-72; renum. from Hy 19.04 and am. Register, July, 1980, No. 295, eff. 8-1-80; cr. (2), Register, July, 1983, No. 331, eff. 8-1-83.

Trans 201.07 Sign permit requirements.

(1) Requests may be submitted to the department for permits to erect or maintain specific signs at defined locations in a manner to be visible from a travel lane of a controlled highway. A separate application shall be presented to describe each such sign proposed, shall be presented on forms furnished by the department, and shall include a \$175 nonrefundable application fee and all information and exhibits which the application form requires. No permit fee may be required to amend or supplement a defective permit application for a particular location for which an application fee was paid, provided the amendment or supplemental materials are provided to the department within 60 days of denial of the permit application or a request for supplemental materials.

(2) A new sign permit shall automatically expire one year after issuance if the sign permitted has not been erected and the permit holder has not received an extension from the department. The department may for good cause grant one 6-month extension of a new sign permit.

(3) This section does not apply to any of the following:

- (a) Official signs and notices as defined in s. Trans 201.05 (1) (d).
- (b) Public utility signs as defined in s. Trans 201.05 (1) (e).
- (c) Public service signs as defined in s. Trans 201.05 (1) (g).
- (d) Political signs as defined in s. Trans 201.16 (1), if exempt from permit requirements under s. Trans 201.16 (2).
- (e) Real estate signs as defined in s. Trans 201.17 (1) if exempt from permit requirements under s. Trans 201.17 (3).
- (f) Farm signs as defined in s. Trans 201.18 (1) (b) if exempt from permit requirements under s. Trans 201.18 (2).
- (g) Agricultural test plot signs as defined in s. Trans 201.18 (1) (a) if exempt from permit requirements under s. Trans 201.18 (3).
- (h) Service club and religious notice signs as defined in s. Trans 201.05 (1) (f).

History: Cr. Register, September, 1972, No. 201, eff. 10-1-72; am. Register, May, 1977, No. 257, eff. 6-1-77; renum. from Hy 19.07 and am., Register, July, 1980, No. 295, eff. 8-1-80; cr. (2), Register, July, 1983, No. 331, eff. 8-1-83; am. (1), cr. (3), Register, April, 2001, No. 544, eff. 5-1-01; **correction in (3) (g) made under s. 13.93 (2m) (b) 7., Stats., Register February 2005 No. 590.**

Trans 201.075 Signs outside the adjacent area.

(1) No person may maintain an off-premises sign that was erected after March 18, 1972, or erect an off-premises sign outside the adjacent area if a person with normal visual acuity traveling at the speed limit on that highway can do any of the following:

- (a) Read any message on the sign.

(b) See and recognize any trademarks, logos, or other symbols associated with a business or business product or service displayed on the sign.

(2) No person may erect an off-premises sign outside the adjacent area for the purpose of being seen or read from the main traveled way of an interstate or primary highway or the Great River Road.

(3) A sign outside the adjacent area that is changed in a manner that creates a violation of sub. (1) is subject to removal.

(4) Notwithstanding sub. (1), any off-premises sign erected after March 18, 1972, and existing on May 1, 2001 may continue to exist and be maintained so long as the advertisement on the sign remains exactly the same. Any sign in this classification is subject to removal if the advertisement is changed and the sign does not comply with sub. (1).

(5) This section does not apply in urban areas.

Note: Signs are considered outside the adjacent area if they are more than 660 feet from the nearest edge of the right-of-way of the Great River Road, an interstate or a primary highway. s. 84.30 (2).

History: Cr. Register, April, 2001, No. 544, eff. 5-1-01.

Trans 201.08 Changes in permitted signs. State permitted signs may be changed in size, lighting, shape, color scheme or copy subject to compliance with the following criteria:

(1) No change shall result in signing which violates s. 84.30, Stats., or these rules. Any sign which is found to be in non-compliance will be required to be altered to conform, or removed, at the expense of the owner thereof.

(2) Any proposal to change the location of any state permitted sign must be approved by the department in advance of the physical accomplishment of the change. To propose a change of this kind, the applicant shall submit a complete new permit application together with a request that the prior permit (identified by its number) be cancelled and superseded by the new application.

(3) (a) The department may permit directional signs to be changed on a seasonal basis to identify alternate attractions or activities. If all of the attractions or activities are listed on the initial permit application, only a single permit fee shall be charged. If additional attractions or activities are listed on a later application, an additional permit fee shall be charged under s. Trans 201.07.

(b) Approval of the department is required in advance of any message change on a directional sign that involves a different attraction or activity than originally approved. Message change applications under this paragraph are subject to the permit fees set by s. Trans 201.07.

History: Cr. Register, September, 1972, No. 201, eff. 10-1-72; am. (1), Register, October, 1976, No. 250, eff. 11-1-76; renum. from Hy 19.08 and am., Register, July, 1980, No. 295, eff. 8-1-80; cr. (3), Register, July, 1983, No. 331, eff. 8-1-83; corrections in (3) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 2001, No. 544.

Trans 201.09 Removal of illegal signs. Any sign erected after October 1, 1972, without a permit having been granted therefor, and any nonconforming sign which subsequently violates s. 84.30, Stats., or these rules, shall be subject to removal as an illegal sign. Upon removal of an illegal sign, the owner of the sign shall be given 30 days in which to salvage the sign upon payment of actual reasonable costs incurred in removing the sign. If not salvaged, the sign may be disposed of as the department deems appropriate.

History: Cr. Register, September, 1972, No. 201, eff. 10-1-72; r. and recr. Register, October, 1976, No. 250, eff. 11-1-76; renum. from Hy 19.09 and am., Register, July, 1980, No. 295, eff. 8-1-80.

Trans 201.10 Removal of nonconforming signs.

(1) Nonconforming signs, as defined by s. 84.30 (5), Stats., shall be eliminated in accordance with s. 84.30, Stats., and these rules. Compensation for removal of a nonconforming sign shall

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be paid in accordance with s. 84.30 (6) to (8), Stats., provided the sign has complied with the conditions in sub. (2).

(2) In order to lawfully maintain and continue a nonconforming sign, or a grandfathered sign under s. 84.30 (3) (d), Stats., the following conditions apply:

(a) The sign must have been actually in existence at the time the applicable state law became effective, except where a permit for the construction of a sign was granted by the state prior to the effective date of the state law and the sign owner acted in good faith and expended sums in reliance thereon. This exception shall not apply in instances where large numbers of permits were applied for and issued to a single sign owner, obviously in anticipation of the passage of a state control law.

(b) There must be existing property rights in the sign affected by the state law.

(c) The sign may be sold, leased, or otherwise transferred without affecting its status, but its location may not be changed. A nonconforming sign removed as a result of a right-of-way taking or for any other reason may be relocated to a conforming area but cannot be re-established at a new location as a nonconforming use.

(d) The sign must have been lawful on the effective date of the state law and must continue to be lawfully maintained.

(e) The sign must remain substantially the same as it was on the effective date of the state law, and may not be enlarged. Reasonable repair and maintenance of the sign, including a change of advertising message, is not a change which would terminate nonconforming rights. Customary maintenance ceases and a substantial change occurs if repairs or maintenance, excluding message changes, on a sign exceeds 50% of the replacement costs of the sign.

(f) The sign may continue as long as it is not destroyed, abandoned or discontinued. A sign shall be considered destroyed if it is damaged in excess of 50% of its replacement cost. Any sign destroyed by criminal or tortious acts may be replaced upon a showing by the sign owner that the sign was so destroyed and upon written approval from the district office. Applications for replacement signs shall be submitted to the district office. If the district office fails to send notice of its decision within 10 days after it receives an application, the sign owner may assume that replacement has been approved. As an alternative to replacement, the district office and sign owner may negotiate for the acquisition of the sign which was so destroyed. Approvals of replacements shall contain such terms and conditions as are necessary to ensure that the replacement sign is essentially the same as the sign destroyed. A sign is abandoned or discontinued if for a period of 12 months or longer it is composed of obsolete advertising matter or is without advertising matter or is in need of substantial repair, provided that any period of involuntary discontinuance which occurs during the period a highway is closed shall not be considered. A sign is abandoned if the name of the owner does not appear thereon and if the name and address of the current owner are not readily ascertainable from records on file with the department.

(3) Since the provisions of sub. (2) reflect the law of this state with respect to the treatment of nonconforming uses and the derivative policy of the department with respect to nonconforming signs, the adoption of sub. (2) shall not be construed to affect the applicability or validity of such state law or derivative policy prior to the adoption of sub. (2).

History: Cr. Register, September, 1972, No. 201, eff. 10-1-72; r and recr. Register, October, 1976, No. 250, eff. 11-1-76; renun. from Hy 19.10 and am. (1), (2) (intro.) and (f), Register, July, 1980, No. 295, eff. 8-1-80; am. (2) (intro.), Register, April, 2001, No. 544, eff. 5-1-01.

Trans 201.11 Access to permitted signs. No person shall gain access to any permitted sign from the travel lane, inter-

change ramp, or right of way of any interstate highway or free-way on the federal-aid primary system.

History: Cr. Register, September, 1972, No. 201, eff. 10-1-72; renun. from Hy 19.11, Register, July, 1980, No. 295, eff. 8-1-80.

Trans 201.12 Signs on federal-aid urban system exempted. Signs which are along and visible from highways which are on the specific system designated as the "federal-aid urban system" are exempted provided such signs are not also visible from a controlled highway not on the "federal-aid urban system."

History: Cr. Register, September, 1972, No. 201, eff. 10-1-72; am. Register, May, 1977, No. 257, eff. 6-1-77; renun. from Hy 19.12, Register, July, 1980, No. 295, eff. 8-1-80.

Trans 201.14 Sign removal. (1) DEFINITIONS. In this section:

(a) "Nontourist-oriented directional advertising sign" means any sign which is not covered by the definition in par. (b) or (c).

(b) "Tourist-oriented directional advertising sign" means any sign giving directional information related to any of the following types of businesses or activities:

1. Places of public lodging.
2. Places where food is served to the public on a regular basis.
3. Places where automotive fuel or emergency automotive repair services are regularly available to the public.
4. Educational institutions.
5. Places of religious worship.
6. Public or private recreation areas, including campgrounds, wildlife and waterfowl refuges, and nature trails.
7. Plays, concerts and fairs.
8. Antique and gift shops.
9. Agricultural products in a natural state, including vegetables and fruit.

(c) "Signs advertising products" means signs advertising only products.

(2) PRIORITIES. (a) Nonconforming signs shall be removed or relocated in the order listed below:

1. First, signs advertising products of general availability in commercial channels.
2. Second, nontourist-oriented directional advertising signs.
3. Last, tourist-oriented directional advertising signs.

(b) The priority system shall be implemented on a district-by-district basis. The department shall coordinate the priority system program to accomplish an equitable statewide progression from one priority category to the next; provided that signs in par. (a) 3. may not be removed or relocated until all signs in par. (a) 1. and 2. are removed or relocated.

(3) SPECIAL CASES. Notwithstanding the general provisions in sub. (2):

(a) The priority system applies only to nonconforming signs. Top priority shall continue to be given to the removal of illegal and abandoned signs.

(b) Signs may be acquired regardless of priority category in hardship and other cases where acquisition of the signs is voluntarily negotiated between the sign owner and the department.

(c) The priority system does not apply to sign removals necessitated by a highway improvement project.

(d) The priority system does not apply to signs removed in accordance with a scenic easement or preservation project.

(e) If the removal or relocation of a sign is delayed because of a pending lawsuit or contested case under ch. 227, Stats., that

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sign shall not be considered in determining whether the removal or relocation of signs in a priority category has been completed.

(f) The priority system does not apply to sign removals necessary to maintain the state's eligibility for federal payments under the bonus program established by 23 USC 131 (j) and 23 CFR 750.101-750.110.

(4) REPORTS. (a) The department shall make reports to the appropriate standing committees of the legislature at the completion of each priority category and before progressing from one priority category to the next, as provided in sub. (2) (b).

(b) The department shall make reports to the appropriate standing committees of the legislature on June 1 and November 1 of each year until all signs have been removed under s. 84.30, Stats.

(5) GENERAL PROVISIONS. The advertising message on signs may be changed so as to move a sign from one priority category to another; however, once an acquisition order for a sign project is approved by the department, signs covered by the order will be removed regardless of changes made in the advertising message after the acquisition order is approved.

History: Cr. Register, January, 1977, No. 253, eff. 2-1-77; renum. from Hy 19.25 and am. (1) (a) and (b) (intro.), (2) (a) 2. and 3., (2) (b), (3) (b) and (e), (4) and (5), Register, July, 1980, No. 295, eff. 8-1-80; cr. (3) (f), Register, August, 1980, No. 296, eff. 9-1-80.

Trans 201.15 Electronic signs. (1) PURPOSE. The purpose of this section is to set standards for the use of signs whose messages may be changed by electronic process in accordance with 23 USC 131 (c) (3) and (j), and ss. 84.30 (3) (c) and (4) (b), Stats.

(2) DEFINITIONS. In this section:

(a) "Activities conducted on the property on which the signs are located" has the meaning provided in s. Trans 201.19 (2).

(b) "Message" means anything displayed on a sign, including copy, art animations and graphics.

(c) "Multiple message sign" means an outdoor advertising sign, display or device whose messages are on triangular louvered facings and are changed by electronic rotation of the louvers.

(d) "Public service information" means a message on an electronic sign which provides the time, date, temperature, weather, or information concerning civic, charitable or other noncommercial activities.

(e) "Segmented message" means any message or distinct subunit of a message presented by means of at least one display change on a variable message sign.

(f) "Traveling message" means a message which appears to move across a variable message sign.

(g) "Variable message sign" means an outdoor advertising sign, display or device without moving parts whose message may be changed by electronic process through the use of moving or intermittent light or lights.

(3) VARIABLE MESSAGE SIGNS. Signs authorized under s. 84.30 (3) (c) and (e), Stats., may consist in whole or in part of a variable message sign subject to all of the following restrictions:

(a) Signs erected under s. 84.30 (3) (c), Stats., may be used only to advertise activities conducted on the property on which the signs are located or to present public service information.

(b) Signs erected under s. 84.30 (3) (e), Stats., may be used only to present public service information.

(c) No message may be displayed for less than one-half of a second.

(d) No message may be repeated at intervals of less than 2 seconds.

(e) No segmented message may last longer than 10 seconds.

(f) No traveling message may travel at a rate slower than 16 light columns per second or faster than 32 columns per second.

(g) No variable message sign lamp may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. Signs found to be brighter than necessary for adequate visibility shall be adjusted by the person owning or controlling the sign in accordance with the instructions of the department.

(4) MULTIPLE MESSAGE SIGNS. Signs authorized under s. 84.30 (3) (c) and (e), Stats., may consist in whole or in part of a multiple message sign subject to all of the following restrictions:

(a) The louver rotation time to change a message shall be one second or less.

(b) The time a message remains in a fixed position shall be 6 seconds or more.

(c) During an appeal under s. 84.30 (18), Stats., or any other litigation with the department concerning a multiple message sign, the person owning or controlling the sign shall place the louvers in a fixed position and may not rotate them until a final decision has been rendered.

Note: A multiple message sign as defined in s. Trans 201.15 (2) (c) refers to the sign known in the outdoor advertising industry as a tri-vision sign, and a variable message sign defined in s. Trans 201.15 (2) (g) includes the device known in the outdoor advertising industry as a commercial electronic variable message sign.

History: Cr. Register, July, 1983, No. 331, eff. 8-1-83; r. and recr. Register, April, 1998, No. 508, eff. 5-1-98.

Trans 201.16 Political signs. (1) DEFINITIONS. "Political sign" means a sign erected for the purpose of soliciting support for or opposition to a candidate or a political party or relating to a referendum question in an election held under the laws of this state.

(2) EXEMPTION. A political sign which would otherwise be subject to the permit requirement of s. Trans 201.07, is exempted if all of the following conditions are satisfied:

(a) The sign does not exceed 32 square feet in surface area.

(b) The sign is erected entirely on private property with the property owner's consent.

(c) The sign is erected less than 45 days before the election for which it is intended and is removed within 7 days after the election except that a sign erected before a primary election may remain in place until 7 days after the next following general election if the sign solicits support for a candidate, political party or referendum question that is before the electorate in both the primary and the general election.

(d) The sign does not contain flashing lights or moving parts or in any other way fail to conform with s. 84.30 (4) (b), Stats.

(e) The sign is not erected in a location where it constitutes a traffic hazard.

History: Cr. Register, July, 1983, No. 331, eff. 8-1-83; am. (2) (e), Register, July, 1996, No. 487, eff. 8-1-96.

Trans 201.17 Real estate signs. (1) DEFINITION. "Real estate sign" means a sign advertising the sale or lease of land upon which it is located or of a building on that land.

(2) APPLICABILITY. A real estate sign that is erected along an interstate highway is subject to the permit requirement of s. Trans 201.07.

(3) EXEMPTION. A real estate sign that is erected along a controlled highway other than an interstate highway is exempted from the permit requirement of s. Trans 201.07 if all of the following conditions are satisfied:

(a) The sign does not exceed 32 square feet in surface area.

(b) There is no more than one real estate sign on the property facing each direction of travel for each controlled highway from which a sign on the property is visible.

(c) The sign does not contain flashing lights or moving parts or in any other way fail to conform with s. 84.30 (4) (b), Stats.

(d) The sign is not erected in a location where it constitutes a traffic hazard.

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(e) The sign is not erected until the property is actually offered for sale or lease, and is removed within 7 days after the property has been sold or leased.

Note: The term “controlled highway” as used in sub. (3) has the meaning set forth in s. Trans 201.01.

History: Cr. Register, July, 1983, No. 331, eff. 8-1-83.

Trans 201.18 Farm and agricultural test plot signs.

(1) DEFINITIONS. (a) “Agricultural test plot sign” means a sign used to mark test plot areas on a farm and includes a sign identifying the manufacturer of the seed being tested.

(b) “Farm sign” means a sign located on farm property which identifies the farm or advertises a farm product produced on that farm.

(2) FARM SIGN EXEMPTION. A farm sign that would otherwise be subject to the permit requirement of s. Trans 201.07 is exempted if all of the following conditions are satisfied:

(a) The sign conforms with the on-property sign criteria contained in s. 84.30 (3) (c), Stats.

(b) The sign does not contain flashing lights, moving parts, or in any other way fail to conform to s. 84.30 (4) (b), Stats.

(c) The sign is not erected in a location where it constitutes a traffic hazard.

(3) AGRICULTURAL TEST PLOT SIGNS. Agricultural test plot sign displays are subject to the permit requirement of s. Trans 201.07, and the following provisions:

(a) One permit shall cover all the signs in an agricultural test plot sign display. Permit fees shall be based on the total surface areas of all signs in the display.

(b) There may be no more than one sign facing traffic in each direction that identifies the test plot and the seed manufacturer. Such a sign must be located within 50 feet of the test plot that it identifies.

(c) Signs shall be permitted only during the growing season and shall be removed within 7 days after harvest of the test plot crop is completed and in any event shall be removed prior to November 1 of each year.

(d) Row markers and variety markers may not contain identification of the seed manufacturer.

History: Cr. Register, July, 1983, No. 331, eff. 8-1-83.

Trans 201.19 On-property signs. (1) PURPOSE. The purpose of this section is to interpret the provisions of s. 84.30 (3) (c), Stats., relating to on-property signs.

(2) OFF PREMISES ADVERTISING NOT PERMITTED. An on-property sign may advertise only activities conducted on the property on which it is located, the name of the establishment and the establishment’s principal product or service offered on the premises. A permit for an off-property sign is required for any sign violating the content restrictions of this subsection.

(3) NARROW STRIPS. Where the sign site is located at or near the end of a narrow strip contiguous to the advertised activity, the sign site shall not be considered part of the premises on which the activity being advertised is conducted. A narrow strip shall include any configuration of land which is such that it cannot be put to any reasonable use related to the activity other than for signing purposes.

(4) PROPERTIES FLANKED BY 2 CONTROLLED HIGHWAYS. (a) When a property may contain signs visible from 2 controlled highways, the department interprets s. 84.30 (3) (c) 1., Stats., to allow up to 4 single-faced or 2 double-faced signs on the property, with one sign exposure visible and designed to be read from each of 4 different directions of travel.

(b) Whether or not a property may contain signs visible from 2 controlled highways, the department interprets s. 84.30 (3) (c) 2, Stats., to allow only one extra on-property sign exposure.

(5) ON-PREMISES SIGNS PROHIBITED. No on-property sign may be erected in an area across a street or road from the area

where the business is conducted or in any area developed for the purpose of erecting a sign.

History: Cr. Register, July, 1983, No. 331, eff. 8-1-83; am. (2), cr. (5), Register, April, 2001, No. 544, eff. 5-1-01.

Trans 201.20 Local certification. (1) PURPOSE. The purpose of this section is to set out the standards employed by the department in making determinations of customary use under s. 84.30 (4) (intro.), Stats., which are used for certifying local sign control ordinances to the federal highway administration under 23 USC 131 (d).

(2) APPLICABILITY. This section applies to local certification applications filed by counties, cities, villages or towns after August 1, 1983, and to applications for the re-certification of previously certified ordinances filed after that date.

(3) DEFINITION. “Local certification” means the department’s acceptance, under s. 84.30 (4) (intro.), Stats., of a local zoning authority’s determination of customary use as to the size, lighting and spacing of outdoor advertising signs in the zoned commercial or industrial areas of the locality.

(4) INVENTORY. An application for local certification must include a copy of the local zoning ordinance and an inventory of all existing signs within the area to be certified.

(5) ORDINANCE. The local determination of customary use shall be in the form of an ordinance. The department shall accept for certification an ordinance that meets the other requirements of this section, that includes provisions ensuring effective enforcement and that conforms to and complies with the following:

(a) The local zoning authority’s controls shall include the regulation of size, of lighting and of spacing of signs, in all commercial and industrial zones.

(b) Unless a Wisconsin statute or administrative rule requires otherwise, the local zoning authority’s controls may be either more or less restrictive than the appropriate controls set forth in the agreement in effect between the department and the secretary of transportation of the United States entered pursuant to s. 84.30 (12), Stats.

(c) If a local zoning authority has extraterritorial zoning jurisdiction under s. 62.23 (7a), Stats., and exercises control of signs in commercial and in industrial zones within this extraterritorial zoning jurisdiction, sign control by that local zoning authority may be accepted in lieu of the otherwise applicable control within the extraterritorial zoning jurisdiction.

(d) The department shall notify the federal highway administration in writing of those zoning jurisdictions wherein a local zoning authority’s controls apply and shall periodically assure itself that the size, lighting and spacing control provisions of each applicable local zoning ordinance certified under this section are actually being enforced by the appropriate local zoning authority.

(e) Nothing in this section shall diminish the department’s authority or relieve the department from responsibility to limit signs within controlled areas of commercial and industrial zones.

Note: Each of the provisions in sub. (5) (a) to (e) are based upon the provisions of 23 CFR 750.706 (c).

(6) NONCONFORMING SIGNS. The ordinance shall commit the local government to pay the full costs of removing any signs erected after local certification is granted which acquire nonconforming status under state law. This shall include any liability of the state or federal government under s. 84.30 (6), Stats., or 23 USC 131 (g). The department shall require a bond or insurance policy to cover this commitment as a condition of local certification.

History: Cr. Register, July, 1983, No. 331, eff. 8-1-83.

Trans 201.21 Local acquisition of signs. (1) PURPOSE. The purpose of this section is to interpret s. 84.30 (6) and

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(15), Stats., as these provisions affect the removal of signs along controlled highways under local ordinances.

(2) COMPENSATION. (a) This section applies to local government sign acquisitions in which s. 84.30 (6), Stats., requires compensation for the removal of a lawful nonconforming sign under a local ordinance. This section does not attempt to address the validity of local sign amortization ordinances adopted before the enactment of the “just compensation” amendments to the state and federal sign control laws (s. 84.30 (6), Stats., as amended by chapter 253, laws of 1979, effective May 10, 1980; 23 USC 131 (g) as amended by P.L. 95-599, section 122, effective November 6, 1978) or the validity of the application of such local ordinances after the enactment of these amendments.

(b) A local government may not remove a lawful nonconforming sign for which compensation is required under s. 84.30 (6), Stats., unless at the time of removal the department certifies that sufficient funds are available to pay just compensation for the sign. If sufficient funds are not available from state or federal sources, or both, the department may certify that availability of sufficient funds upon deposit of the required amount with the department from any source. The department shall determine the availability of state and federal funds by evaluating overall state obligations under the sign control program and the priority requirements of s. Trans 201.14. The department shall determine the required amount for deposit by evaluating the local government appraisal and conducting any further appraisal or investigation that appears to be necessary to ensure that the estimated compensation requirement is accurate.

(3) REVIEW. The department may periodically review a deposit required under sub. (2) and for good cause may raise or

lower the amount required.

History: Cr. Register, July, 1983, No. 331, eff. 8-1-83.

Trans 201.22 Effect of rule. Nothing in s. Trans 201.20 or 201.21 creates any new obligations upon any local unit of government to pay compensation for the removal of a lawful nonconforming sign beyond any obligations to compensate that may already be in effect under other state or federal laws.

History: Cr. Register, July, 1983, No. 331, eff. 8-1-83.

Trans 201.23 Scenic byways. (1) In this section:

(a) “All-American Road” has the meaning provided in s. Trans 202.02 (2).

(b) “Great River Road” has the meaning provided in s. 84.107, Stats.

(c) “National Scenic Byway” has the meaning provided in s. Trans 202.02 (9).

(d) “Scenic byway” means the Great River Road and any other public highway or portion of a public highway designated as a Wisconsin scenic byway pursuant to s. 84.106, Stats., or designated as a National Scenic Byway or an All-American Road pursuant to 23 USC 162.

(2) After March 1, 2005, no sign visible from the main-traveled way of a highway that is a scenic byway may be erected except the following:

(a) Directional and other official sign authorized by s. 84.30 (3) (a), Stats.

(b) Signs advertising the sale or lease of property upon which they are located authorized by s. 84.30 (3) (b), Stats.

(c) Signs advertising activities conducted on the property on which they are located authorized by s. 84.30 (3) (c), Stats.

History: CR 04-057: cr. Register February 2005 No. 590, eff. 3-1-05.